

E-FILED on 3/17/10

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

METTEYYA BRAHMANA,

Plaintiff,

v.

PHILLIP CHARLES LEMBO, CYBERDATA  
CORPORATION, NUMONIX, INC.,  
CONQUEST TECHNOLOGY LIMITED, and  
CAMERON BARFIELD,

Defendants.


No. C-09-00106 RMW

ORDER REGARDING VIDEO  
DEPOSITIONS

[Re: Docket Nos. 182, 184]

The court has received the letters submitted by plaintiff and by defendants' counsel regarding the issue of videotaped depositions. Although the videotaped depositions were discussed in the recent hearing on March 12, 2010, no transcript or partial transcript from these depositions were offered in support of or in opposition to the motion to dismiss. A motion to dismiss is, of course, based upon pleadings and not evidence. If there is future use of the depositions for any purpose, the parties are free to argue as to the admissibility of those depositions and to make any request for sanctions that they deem appropriate.

DATED: 3/17/10

  
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RONALD M. WHYTE  
United States District Judge

